

REMARKS

The present application includes pending claims 16-47, all of which have been rejected. Claims 16 and 32 have been amended as set forth above. New claims 48 and 49 have been added.

Claims 16, 19-23, 25, 27, 29-32, 36-39, 41, 43 and 45-47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,237,029 ("Hino") in view of U.S. 6,446,192 ("Narasimhan"). Claims 17-18, 26, 28, 33-34, 42 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan and U.S. 2004/00030501 ("Krz"). Claims 24 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan and U.S. 6,363,434 ("Eytchison"). The Applicants respectfully traverse these rejections for at least the following reasons:

I. The Rejection Of Claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 43 and 45-47

The Applicants first turn to the rejection of claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 and 45-47 as being rendered unpatentable by Hino and Narasimhan. As noted in the Manual of Patent Examining Procedure (MPEP):

To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest **all the claim limitations**.

MPEP at § 2142 (emphasis added). Further,

The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process.

* * *

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See *id.*

Independent claim 16 recites, in part, “A method for **automatically monitoring** at least one media peripheral via a communication network, the method comprising... **automatically determining authorization for monitoring** of the at least one media peripheral....” Independent claim 32 recites, in part, “One or more circuits for a media processing system supporting **automatic monitoring** of at least one media peripheral via a communication network, the one or more circuits comprising: one or more processors communicatively coupled to the communication network, the one or more processors operable to, at least... **automatically determine authorization for monitoring** of the at least one media peripheral.”

The Applicants previously demonstrated that Hino does not describe, teach or suggest the following limitations that are recited in independent claim 16:

- A method for **automatically monitoring** at least one media peripheral via a communication network;
- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Similarly, Hino does not describe, teach or suggest the following limitations that are recited in independent claim 32:

- One or more circuits for a media processing system supporting **automatic monitoring** of at least one media peripheral via a communication network, the one or more circuit comprising: one or more processor communicatively coupled to the communication network, the one or more processor operable to, at least:
- **automatically** establish a **communication link** between the first system and the at least one media peripheral;

- **automatically determine authorization for monitoring** of the at least one media peripheral; and
- **automatically monitor**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Indeed, the current Office Action acknowledges that “Hino does not explicitly indicate automating the connection to the peripheral.” See March 19, 2008 Office Action at page 3. See *also* January 31, 2008 Office Action at page 4. Moreover, the current Office Action does not show that Hino describes, teaches or suggests the various automated limitations noted above. See *id.* at page 3. In order to overcome the deficiencies noted above, the Office Action cites Narasimhan at column 5, lines 46-55. See *id.*

The cited portion of Narasimhan recites, however, the following:

A web browser or Java virtual machine (JVM) is not required, however, for the client 30 to access a device 34. The present system supports use of additional standard internet capabilities and protocols. Therefore, custom client software can access the equipment directly using standard “sockets.” Such software can be developed using conventional programming tools, e.g., BSD Sockets (Unix) or Winsock (Windows). The client 30 also could be an automated application program that collects data from remote devices 34 via the Internet 32. In this way a single client could collect usage data and control thousands of remote devices.

Narasimhan at column 5, lines 46-56. As shown above, this portion of Narasimhan states that the client 30, which is connected to the network, can be an “automated application program that collects data from remote devices 34 via the Internet 32.” Thus, a single client could collect usage data, through the automated program, and control thousands of remote devices. **While this portion of Narasimhan merely indicates that usage data may seemingly be automatically collected, it does not describe, teach or suggest, however, at least:**

- **automatically establishing a communication link** between a first system and at least one media peripheral;

- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Again, the cited portion merely suggests that the client may automatically collect usage data of a remote device, and through that automatically collected data, may control the remote device. It does not describe, teach or suggest, however, “automatically establishing a communication link,” “automatically determining authorization for monitoring” and/or “automatically monitoring at least one status parameter of the at least one media peripheral, if the authorization is successful.”

Narasimhan broadly states that the “network interface chip manages connections from remote clients automatically, requiring no intervention from the device control circuitry” (see *id.* at column 11, lines 21-23), but **“managing” a connection is not the same as “automatically establishing a connection,” “automatically determining authorization,” or “automatically monitoring” if the authorization is successful.**

Narasimhan also discloses that the “network interface chip can be configured to automatically open a client or server socket upon power-up.” See *id.* at column 18, lines 31-33. While a client or server socket may be automatically opened, the Applicants respectfully submit that this does not equate to **automatically establishing a communication link between a first system and at least one media peripheral.”**

As noted above, Hino does not describe, teach or suggest the various automated steps recited in the claims. The Office Action acknowledges as much. See March 19, 2008 Office Action at page 3 and January 31, 2008 Office Action at pages 3-4. Further, the portion of Narasimhan that the Office Action relies on also does not describe, teach or suggest these limitations. Even if one were to assume that Narasimhan discloses “a program that automatically connects to the controlled devices and receives status information to monitor these devices,” as asserted by the Office Action at page 4 (but which the Applicants do not assume), the Office Action has not shown that either of the cited references describes, teaches or suggests **“automatically determining authorization”** to monitor a media peripheral and **“automatically monitoring”** at least

one status parameter of the media peripheral if the authorization is successful. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the claim rejections.

The current Office Action also states the following:

Hino discloses the steps of establishing a communication link, determining authorization, monitoring, responding. (see the mapping the rejection).

See March 19, 2008 Office Action at page 8. As noted above, however, the current Office Action also acknowledges that “Hino **does not** explicitly indicate automating the connection to the peripheral.” See *id.* at page 3 (emphasis added). As detailed above, Hino does not describe, teach or suggest the various automated limitations of the pending claims.

The current Office Action goes on to state, however, the following:

Narasimhan is only relied upon to show that there is a benefit into automating the steps of monitoring a device through the network. Narasimhan teaches that instead of having a user initiate all the listed steps, than an [sic] proxy agent located on the client computer can be programmed to automatically access remote peripheral devices and perform monitoring (Column 5, lines 14-20; lines 53-62).

See *id.* at pages 8-9.

The Office Action cites Narasimhan at column 5, lines 46-55. See *id.* at page 3. As demonstrated above, this portion of Narasimhan states that the client 30, which is connected to the network, can be an “automated application program that collects data from remote devices 34 via the Internet 32.” Thus, a single client could collect usage data, through the automated program, and control thousands of remote devices. **While this portion of Narasimhan merely indicates that usage data may seemingly be automatically collected, it does not describe, teach or suggest, however, at least:**

- **automatically establishing a communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring of the at least one media peripheral; and**

- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

However, in addition to citing Narasimhan at column 5, lines 46-55, the Office Action also cites Narasimhan at column 5, lines 14-20 and column 5, lines 55-62. See *id.* at pages 8-9. First, Narasimhan at column 5, lines 14-20 states the following:

Clients 30 connected to the network 32 are able to monitor and control the devices 22 via direct connections over the network 32. The devices 34 can be selected from a wide variety of device types, from very expensive large scale industrial equipment to inexpensive small scale consumer electronic devices. Different device types will often have different types of device control circuitry. 38.

This portion of Narasimhan merely discloses that clients 30 are able to monitor and control devices 22 via direct connections over the network 32. It is completely silent, however, with respect to the following:

- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Next, Narasimhan at column 5, lines 55-62 states the following:

In this way a single client could collect usage data and control thousands of remote devices. The data collected by such a client could be used to generate usage and maintenance reports. The client software in this case could be written in Java or C/C++ using libraries, and it could bridge to other applications such as databases and diagnostic software to provide powerful services based on device control and monitoring functions.

This portion of Narasimhan merely discloses that a client can collect usage data and control remote devices. Again, however, it simply does not describe, teach or suggest the following:

- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

At best, the portions of Narasimhan relied on by the Office Action merely disclose that a “client 30 also could be an automated application program **that collects data from remote devices 34 via the Internet 32.**” *Id.* at column 5, lines 53-55.

As discussed above, even the Office Action acknowledges that Hino fails to describe, teach or suggest the automated limitations noted above. Further, Narasimhan discloses an automated application program that collects data from remote devices. Thus, the combination of the two references discloses various **non-automated** steps, and an automatic collection of data from remote devices. The combination of Hino and Narasimhan does not describe, teach or suggest at least the following:

- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

The Applicants reiterate the following:

To establish a *prima facie* case of obviousness, ... the prior art reference (or references when combined) must teach or suggest **all the claim limitations.**

MPEP at § 2142 (emphasis added). As detailed above, however, the Office Action has not demonstrated that Hino and Narasimhan describe, teach or suggest all the claim limitations. Thus, for at least this reason, the Office Action has not established a *prima facie* case of obviousness with respect to claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39,

41, 43 and 45-47. As such, the Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

II. The Remaining Rejections

The Applicants respectfully request reconsideration of the rejection of the remaining dependent claims for at least the reasons discussed above.

III. Conclusion

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in any future rejection).

The Applicants respectfully request reconsideration of the claim rejections for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the undersigned attorney.

The Commissioner is authorized to charge any necessary fees, **including the \$100 fee for new claims 48 and 49**, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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